

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

VERN McKINNEY, #410454

§

v.

§

CIVIL ACTION NO. G-04-195

DOUG DRETKE, DIRECTOR
TDCJ-CID

§

§

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge that was entered on May 17, 2005. Petitioner has failed to file Objections to the Report and Recommendation despite being given until June 6, 2005 to have them physically on file with the Office of the Clerk.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation should be **ACCEPTED**.

Accordingly, it is **ORDERED** that Respondent's Motion for Summary Judgment (Instrument No. 5) is **GRANTED**, and the Petition for a Writ of Habeas Corpus of Vern McKinney (Instrument No. 1) is **DISMISSED**.

DONE at Galveston, Texas this 13th day of June, 2005.



Samuel B. Kent
United States District Judge